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4 BILL NO. S-76-11- 12

5 SPECIAL ORDINANCE NO. S-208-76

6 AN ORDINANCE approving a contract with
7 Dailey Asphalt, for Resolution No.
5730-1976.

8 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
9 FORT WAYNE, INDIANA:

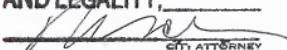
10 SECTION 1. That the contract dated October 25, 1976,
11 between the City of Fort Wayne, by and through its Mayor and the
12 Board of Public Works and Dailey Asphalt, for:

13 Resolution No. 5730-1976: Wayne Street:
14 from the centerline of Calhoun Street to
the west property line of Harrison Street,
15 for a total cost of \$7,474.00, all as more particularly set forth
16 in said contract which is on file in the Office of the Board of
17 Public Works and is by reference incorporated herein, made a part
18 hereof and is hereby in all things ratified, confirmed and
19 approved.

20 SECTION 2. This Ordinance shall be in full force and
21 effect from and after its passage and approval by the Mayor.

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27 Councilman
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APPROVED AS TO FORM
AND LEGALITY,


John H. Moore
CITY ATTORNEY

Read the first time in full and on motion by Moses, seconded by Talarico, and duly adopted, read the second time by title and referred to the Committee on Public Works (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the day of _____, 1976, at _____ o'clock P.M., E.S.T.

DATE: 11-9-76

Charles W. Westerman
CITY CLERK

Read the third time in full and on motion by Moses, seconded by Hinga, and duly adopted, placed on its passage.

PASSED ~~(LOSED)~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
<u>TOTAL VOTES</u>	<u>9</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HINGA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HUNTER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>MOSES</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>NUCKOLS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT, D.</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHIMDT, V.</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 11-23-76

Charles W. Westerman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION)

ORDINANCE (RESOLUTION) No. 1208-76 on the 23rd day of Nov., 1976.

ATTEST: (SEAL)

Charles W. Westerman

CITY CLERK

James S. Stier
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of Nov., 1976, at the hour of 11:00 o'clock A M., E.S.T.

Charles W. Westerman
CITY CLERK

Approved and signed by me this 24th day of November, 1976, at the hour of 4:30 o'clock P. M., E.S.T.

Ronald J. Armstrong
MAYOR

Bill No. S-76-11-12

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works, to whom was referred an Ordinance approving a contract with Dailey Asphalt, for Resolution No. 5730-1976

have had said Ordinance under consideration and beg leave to report back to the Common Council that said Ordinance DO PASS.

Winfield C. Moses, Jr. - Chairman

Donald J. Schmidt - Vice-Chairman

Vivian G. Schmidt

Paul M. Burns

William T. Hinga

CONCURRED IN

DATE

1/23/76
WILLIAM T. HINGA



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802
board of public works

October 11, 1976

The Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

A contract has been awarded to Dailey Asphalt Products Company in the amount of \$7,474.00 on Street Improvement Resolution 5730-1976 for the resurfacing of Wayne Street from Calhoun Street to Harrison Street.

This was the low of five bids received as shown on attached tabulation.

Due to the shortness of the remaining construction season, it is deemed advisable to request a "Prior Approval" of the contract so the contractor may proceed, at his convenience, before inclement weather commences.

An Ordinance will be submitted for formal approval as soon as the contract and documents are prepared and executed.

Sincerely,

BOARD OF PUBLIC WORKS

Henry P. Wehrenber
Henry P. Wehrenbert, Chairman

CITY OF FORT WAYNE

Robert E. Armstrong
Robert E. Armstrong, Mayor

/eis
Attachment 1

APPROVED:

Lyndall W. R. Franklin K. Miller Samuel J. Blancko
John D. Morris John Mayhew Edward G. Lehman
D. Schmid William T. Nixon James S. Sturz

MEMBERS OF THE COMMON COUNCIL

ATTEST:

Charles W. Westerman City Clerk



PROJECT Wayne Street
Resurfacing and Restoring
DATE Oct. 6, 1976 RES

BID ANALYSIS SHEET

ATE Oct. 6, 1976

RES. NO. 5730-1976

OFFICE OF CITY ENGINEER
FORT WAYNE INDIANA

63-342-47 10/29/76

CITY PAID
SUBJECT TO COUNCILMANIC APPROVAL
PRELIMINARY MEETING _____
RATIFICATION _____

CONTRACT

437-1591
This Agreement, made and entered into this 25 day of October, 1976

by and between _____

----- DATLEY ASPHALT -----

hereinafter called "Contractor" and the City of Fort Wayne, Indiana, a municipal corporation, herein-after called "City," under and by virtue of an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations," approved March 6, 1905, and all amendatory and supplementary acts thereto, WITNESSETH: That the Contractor covenants and agrees to im-

prove Resolution No. 5730-1976: Wayne Street: from the centerline of Calhoun

Street to the west property line of Harrison Street.

by grading and paving the roadway to a width of XXXXXXXXXXXX feet with XXXXXXXXXXXXXXXXXXXX
XX

upon a foundation and with curbing as fully set out in the specifications hereinafter referred to, in a good and workmanlike manner and to the entire satisfaction of said City, in accordance with Improve-

ment Resolution No. 5730-1976 and at the following price per linear foot

At the following prices:

Hot Asphalt Binder Coarse, as per design mix	Fourteen dollars and fifty cents per ton	\$14.50
Hot Asphalt Surface Coarse, as per design mix	Fifteen dollars and fifty cents per ton	\$15.50
Joint and Crack Filler	Two Thousand dollars and no cents per ton	\$2,000.00
Catch Basin Adjusted and Set to Grade	One Hundred dollars and no cents per each	\$100.00
Manhole Adjusted and Set to Grade	One Hundred dollars and no cents per each	\$100.00

The Contractor will furnish immediately a certificate from the Industrial Board of the State of Indiana, that he has complied with Sections 5, 68, 69 of the Workmen's Compensation Act, approved March 14, 1929, in accordance with Section 14 of the Compensation Act (Acts 1929, page 545, being Section 9459 of Burns Annotated Statutes, Volume IV). (Section 40-1214 Burns Annotated 1952 Revision - Volume VIII).

A copy of General Ordinance No. G-60-66, concerning discriminating in employment under municipal contracts, is attached and incorporated herein by reference.

GUARANTY BOND

Know All Men by These Presents, That we -----
----- DAILEY ASPHALT ----- Contractors
as principal, and -----
ST. PAUL FIRE AND MARINE INSURANCE COMPANY OF ST. PAUL, MINNESOTA ----- as surety
are held and firmly bound to the City of Fort Wayne, Indiana, in the sum of -----
SEVEN THOUSAND FOUR HUNDRED AND SEVENTY-FOUR DOLLARS AND NO CENTS -----

----- (\$ 7,474.00)
for the payment of which well and truly to be made we jointly and severally bind ourselves, our heirs, executors, administrators and assigns firmly by these presents.

The conditions of the above obligation are, that whereas the said -----

----- DAILEY ASPHALT -----
did on the ----- day of -----
-----, enter into a contract with the City of Fort Wayne to construct a ----- Pavement
on Res. #5730-1976 Wayne Street from the centerline of Calhoun Street
to the west property line of Harrison Street.

----- according to certain plans and specifications, and
for a period of three years
also warranting and guaranteeing the work, material and condition of the pavement thereof as provided
in aforesaid contract and specifications. Now if the said -----

Dailey Asphalt ----- shall faithfully perform and fulfill all the requirements of said warranty and guaranty, and make all repairs required under said guarantee, and in the manner provided for, then this bond to be null and void, otherwise to be in full force and effect.

WITNESS our hands and seals this 19 day of October, 1976

YASKE, ZENT & RYE, INC. DAILEY ASPHALT (SEAL)
Authorized Agents BY: *John Dailey Jr., Inc.* (SEAL)
BY: *John Dailey Jr., Inc.* (SEAL)
ST. PAUL FIRE & MARINE INSURANCE CO.
ITS: *John Dailey Jr., Inc.* (SEAL)
Attorney-in-fact

Approved this 25 day of October, 1976

Henry P. Widenburg
Ed. H. La Mar
May G. Scott
Board of Public Works.

LIABILITY BOND

Know All Men by These Presents, That we _____

----- DAILEY ASPHALT -----

as principal, and ST. PAUL FIRE AND MARINE INSURANCE COMPANY OF ST. PAUL, MINNESOTA

as surety, are held and firmly bound to the City of Fort Wayne, Indiana, in the sum of

for the payment of which well and truly to be made we jointly and severally bind ourselves, our heirs, executors, administrators and assigns firmly by these presents.

(\$ _____)

The conditions of the above obligation are such, that if the above named party of the first part shall faithfully comply with the foregoing contract made and entered into the

day of _____, with the City of Fort Wayne, Indiana, and shall faithfully fulfill all the conditions and stipulations therein contained, except the warranty and guaranty of the pavement as to the workmanship, material and conditions for the period of three (3) years, according to the true intent and meaning thereof in all respects, then this obligation to be void, otherwise to be and remain in full force and virtue in law and in the event the said City shall extend the time for the completion of said work, such extension shall not in any way release the sureties on this bond.

WITNESS our hands and seals this 19 day of October, 1976

YASTI, ZENT & RYE, INC. DAILEY ASPHALT PRODUCTS CO., INC. (SEAL)
Authorized Agents BY: *Rita Dallyn Ross* (SEAL)
BY: *Donald B. Johnson* ST. PAUL FIRE & MARINE INSURANCE COMPANY
BY: *Donald B. Johnson* ITS: *Lane I. Ross* (SEAL)
YASTI, ZENT & RYE, INC. Attorney-in-fact (SEAL)

(SEAL)

Approved this 25 day of

October, 1976

Henry S. Wehmeyer
Edward H. Farmer
May J. Scott
Board of Public Works.

COMPLETED IN STREET ENGINEERING DEPARTMENT

OCTOBER 14, 1976

**Fidelity and Surety
Department**

CERTIFIED COPY OF POWER OF ATTORNEY
Original on File at Home Office of Company. See Certification.

KNOW ALL MEN BY THESE PRESENTS: That the St. Paul Fire and Marine Insurance Company, a corporation organized and existing under the laws of the State of Minnesota, and having its principal office in the City of Saint Paul, Minnesota, does hereby constitute and appoint

Arthur C. Frericks, Gerald A. Dahle, Donald T. Belbutowski, C. H. Yaste, Fred S. Rye,
Leonard Shirley, Josephine E. Stackhouse, Lane I. Ross, David J. Steffen, Helen F. Pyles,
individually. Ft. Wayne, Indiana

its true and lawful attorney(s)-in-fact to execute, seal and deliver for and on its behalf as surety, any and all bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, which are or may be allowed, required or permitted by law, statute, rule, regulation, contract or otherwise, and the execution of such instrument(s) in pursuance of these presents, shall be as binding upon the said St. Paul Fire and Marine Insurance Company, as fully and amply, to all intents and purposes, as if the same had been duly executed and acknowledged by its regularly elected officers at its principal office.

This Power of Attorney is executed, and may be certified to and may be revoked, pursuant to and by authority of Article V., Section 6(C), of the By-Laws adopted by the Board of Directors of the ST. PAUL FIRE AND MARINE INSURANCE COMPANY at a meeting called and held on the 23rd day of January, 1970, of which the following is a true transcript of said Section 6(C).

"The President or any Vice President, Assistant Vice President, Secretary or Resident Secretary, shall have power and authority

- (1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company, and attach the Seal of the Company thereto, bonds and undertakings, recognizances, contracts of indemnity and other writings obligatory in the nature thereof, and
(2) To appoint Special Attorneys-in-fact, who are hereby authorized to certify to copies of any power-of-attorney issued in pursuance of this section and/or any of the By-Laws of the Company, and
(3) To remove, at any time, any such Attorney-in-fact or Special Attorney-in-fact and revoke the authority given him."

Further, this Power of Attorney is signed and sealed by facsimile pursuant to resolution of the Board of Directors of said Company adopted at a meeting duly called and held on the 6th day of May, 1959, of which the following is a true excerpt:

"Now therefore the signatures of such officers and the seal of the Company may be affixed to any such power of attorney or any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached."

IN TESTIMONY WHEREOF, the St. Paul Fire and Marine Insurance Company has caused this instrument to be signed and

its corporate seal to be affixed by its authorized officer, this 5th day of January A. D. 1976
ST. PAUL FIRE AND MARINE INSURANCE COMPANY

STATE OF MINNESOTA }
County of Ramsey } s.s.

Vice President.

On this 5th day of January 1976, before me came the individual who executed the preceding instrument, to me personally known, and, being by me duly sworn, said that he is the therein described and authorized officer of the St. Paul Fire and Marine Insurance Company; that the seal affixed to said instrument is the Corporate Seal of said Company; that the said Corporate Seal and his signature were duly affixed by order of the Board of Directors of said Company.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal,
at the City of Saint Paul, Minnesota, the day and year first above written.

V.C. INNES
Notary Public, Ramsey County, Minn.
My Commission Expires April 27, 1983

CERTIFICATION

1. the undersigned officer of the St. Paul Fire and Marine Insurance Company, do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the By-Laws of said Company as set forth in said Power of Attorney,* with the ORIGINALS ON FILE IN THE HOME OFFICE OF SAID COMPANY, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN TESTIMONY WHEREOF, I have hereunto set my hand this 19 day of October 19 76

Secretary -

*Unlimited as to character and amount.

ID. The above and foregoing shall be the minimum prevailing wage scale for this project set by the wage scale committee, but in no way shall it prevent the contractor or subcontractor from paying a higher rate of wages than set out in the schedule of wages on file.

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC WORKS*8-76-11-12*SYNOPSIS OF ORDINANCE Contract of Dailey Asphalt in amount of \$7,474.00 providesfor resurfacing Wayne Street from the centerline of Calhoun Street to the
west property line of Harrison Street.This was the low of five bids received. (SEE TABULATION ATTACHED)

(PRIORITY APPROVAL WAS RECEIVED)

EFFECT OF PASSAGE Street improvementEFFECT OF NON-PASSAGE PRIOR APPROVAL RECEIVEDMONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) Cost to City - \$7,474.00ASSIGNED TO COMMITTEE Public Wks Dept